

REMARKS

In paragraph [0001] as amended, the expression “the specifications of which are hereby incorporated by reference” has been cancelled and the application numbers 10/625,901 and 10/625,905 have been cancelled and replaced by their corresponding patent numbers.

Therefore, the specification is now believed to be compliant with 35 CRF 1.78(a)(2)(i).

As per the telephone conversation of October 15 2009 with Examiner Thurman Page, the following presents the relationship between patent applications bearing application numbers 10/725,566, and 10/625,906, and patents US 7,522,807 and US 7,197,224 (corresponding to patent applications 10/625,905, and 10/625,901, respectively).

With respect to the first point raised by the Examiner, namely an improper incorporation by reference of application no. 10/625,906, the Applicant submits that no improper incorporation by reference is present in the specification. The present application, i.e. application no. 10/725,566, is a continuation-in-part of application no. 10/625,906 which was filed on July 24, 2003 and is now abandoned. Application no. 10/625,906 is not incorporated by reference. As per the original petition for an unintentional delayed claim for priority dated August 22, 2007, the Applicant submits that the entire delay between the date the claim for priority was due under 37 CFR 1.78 (a)(2)(ii) and this date was completely unintentional. The Declaration and Power of Attorney on file for the present application and attached hereto indicates such claim for priority since it refers to application no. 10/625,906, but the requirement under which the reference was to be made in the application was inadvertently overlooked. That is the reason why paragraph [0001] of the present application (application no. 10/725,566) as originally filed erroneously recited “This is the first application filed for the present invention”.

With respect to the incorporation by reference of co-pending applications bearing application numbers 10/625,905 and 10/625,901 which have matured into patents US 7,522,807 and US 7,197,224, respectively, the Applicant has cancelled the incorporation by reference by way of the present amendment. Applications nos. 10/625,906, 10/625,905, and 10/625,901 were file on the same date, i.e. July 24, 2003. In each one of these applications, reference to the other applications was originally made via the agent docket numbers of the applications since the application numbers were not available on the filing date. An amendment to the specification of the present application was filed on September 9, 2004 and the agent docket numbers were replaced by the corresponding application numbers by way of this amendment. This amendment was accepted by the Examiner and entered on the record.

The Applicant hereby further submits:

1) a copy of two docket reports generated by our Inprotech deadline diary system and entitled "Case Details". Each docket report includes the agent docket number (Case Reference) and the corresponding application number and patent number (Official number).

2) A signed affidavit from the National General Manager – Intellectual Property Services, who is in charge of the management of our Inprotech deadline diary system.

These documents show that application number 10/625,905 (now patent US 7,522,807) and application no.10/625,901 (now patent US 7,197,224) respectively correspond to agent docket numbers 16005-1US and 16005-2US.

In view of the above, the Applicant kindly requests the acceptance of the renewed petition under 37CFR 1.78(a)(3).

Respectfully submitted,

ROLSTON, David R. et al.

By: /ALEXANDRA DAOUD/
Alexandra Daoud, Reg. No. 55,992
Agent of Record
Customer No. 020988